

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ALEXANDER TARNAVSKY,

Plaintiff,

Case No. 09-CV-11161

v.

Honorable John Corbett O'Meara

CHRYSLER, LLC,

Defendant.

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**ORDER OF PARTIAL DISMISSAL**

Plaintiff Alexander Tarnavsky filed a three-count complaint against defendant Chrysler, LLC, alleging the following causes of action: Count I, violations of the Age Discrimination in Employment Act of 1967 ("ADEA"), 29 U.S.C. §§ 621 et seq; Count II, violations of Michigan's Elliot-Larsen Civil Rights Act ("ELCRA"), Mich. Comp. Laws Ann. §§ 37.2101, et seq; and Count III, violations of the Family and Medical Leave Act, 29 U.S.C. §§ 2601, et seq.

While claims alleging violations of federal law are cognizable in this court pursuant to 28 U.S.C. § 1331, Count II in the complaint presents a claim based on state law. The parties to this matter are not diverse. Therefore, this court declines to exercise pendent jurisdiction over the state claim. See United Mine Workers v. Gibbs, 383 U.S. 715 (1966); 28 U.S.C. § 1367 (c). Accordingly, it is hereby **ORDERED** that Count II is **DISMISSED**.

s/John Corbett O'Meara

United States District Judge

Date: April 24, 2009

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, April 24, 2009, by electronic and/or ordinary mail.

sWilliam Barkholz

Case Manager